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“Border Vulnerabilities and International Terrorism, Part II”

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Committee on International Relations

Subcommittee on International Terrorism and Nonproliferation

Chairman Royce, Ranking Member Sherman, Members of the Subcommittee, it is an honor and a privilege to be invited to appear before this subcommittee to discuss with you international terrorism and nonproliferation, and how these threats affect local law enforcement. I would also like to thank Committee Chairman Henry J. Hyde for allowing this hearing to take place. I also thank Chairman Hyde for his 32 years of service to this country as a congressman and congratulate him on his retirement.

In May of last year the sixteen sheriffs of Texas whose counties border the Republic of Mexico formed the Texas Border Sheriff's Coalition. This coalition was formed out of frustration in what we felt was the inadequacy of our federal government to protect our border in preventing a potential terrorist and their weapons of mass destruction from entering our country. We felt then, and still do, that the 1,276-mile Texas border with the Republic of Mexico is very much unprotected, wide-open, and extremely porous. In late March of this year, also because of their frustration, sheriffs from New Mexico, Arizona, and California joined us in our efforts and we formed the Southwestern Border Sheriff's Coalition. The 2,000 miles of southwestern border needs protection and immediate attention. In Texas, we sixteen sheriffs are responsible for 39,764 square miles. We continue to believe that terrorists have expressed an interest and a desire to exploit the existing vulnerabilities in our border security to enter or attack the United States.

Although some of the matters of which I offer testimony today may seem as if I criticize federal agencies, I want to make sure that we understand that neither I nor our coalitions blame the agents of the United States Border Patrol, ICE, or any other federal agency, but, rather, we criticize the policies that they have to adhere to. In most areas of the southwest border we do not know what we would do without CBP/USBP presence.

BORDER VULNERABILITIES

For years we have seen individuals enter the country illegally; however, recently, we feel that many of these persons are no longer entering the country to look for legitimate employment. We are now seeing that many of these persons are members of ruthless and violent gangs. All of us are concerned that the border with Mexico is being used as the front door to this country and that terrorists are already in our back yards. Many of the illegal immigrants from countries of special interest are apprehended along the southwest border. To avoid apprehension, we feel that many of these terrorists attempt to blend in with persons of Hispanic origin when entering the country.

Based on U. S. Border Patrol statistics for "Other Than Mexicans" (OTMs) there were 30,147 OTMs apprehended in FY03, 44,614 in FY04, and 165,178 in FY05. Most of them, including immigrants from countries of special interest, were apprehended along the southern border of our country.

I dare to say that at any given time, daytime or nighttime, one can get on a boat and traverse back and forth between Texas and Mexico and not get caught. If smugglers can bring in tons of marihuana and cocaine at one time, and can smuggle 20-30 persons

at one time, one can just imagine how easy it would be to bring in 2-3 terrorists or their weapons of mass destruction across the river and not be detected. Chances of apprehension are very slim.

We have always maintained that if you don't live on the border you don't know how vulnerable this country is for a terrorist attack. Persons living 50 miles or more away from the border have the impression that this border is very well protected. This is a farce. The border is not protected. We have had the honor of being visited by Congressmen Ted Poe, Tom Tancredo, and John Culberson. They have been to the banks of the Rio Grande River, both during the day and at night, and they have seen for themselves how vulnerable, unprotected, and porous our border is.

THREATS

The cartels operating in Mexico and the United States have demonstrated that the weapons they possess can and will be used in protecting their caches. One informant familiar with the operations of these cartels mentioned to us that the weapons we use are water guns compared to what we will have to come up against if we ever have to. These cartels, known to frequently cross into the United States, possess and use automatic weapons, grenades, and grenade launchers. They are also experts in explosives, wiretapping, counter-surveillance, lock-picking, and GPS technology. They are able to monitor our office, home, and cellular phone conversations. The original members of this cartel were trained in the United States by our own government.

In late January Immigration and Customs Enforcements' Border Enforcement and Security (BEST) Task Force confiscated components of Improvised Explosive Devices (IEDs) in Laredo, Texas. It is believed that these components were to be sent to Mexico for use by the cartels or to be used against us at the appropriate time. (Reference is made to the testimony of Ms. Marcy M. Forman, Director of Office of Investigations, United States Immigration and Customs Enforcement, DHS, on March 1, 2006, before the Senate Committee on the Judiciary, Subcommittees on Immigration, Border Security and Citizenship and Terrorism, Technology, and Homeland Security.)

On February 10th, 2005, a high-ranking member of the *Mara Salvatrucha*, or MS-13, was apprehended in Brooks County, in south Texas. He had been previously deported at least four times. This MS-13 gang member is believed to have been responsible for the killing of 28 persons, including six children, and the wounding of 14 others, in a bus explosion in his native country. These people, as many others, find it very easy to come into our country through a very porous, wide-open, and unprotected border. Information was received in late April of this year that he was on his way back into the United States, or that he was already in the country, and was threatening to assassinate any officer that attempted to apprehend him.

In May of this year my office received information that the cartels immediately across our border are planning on threatening or killing as many police officers as possible on the United States side. This is being planned for the purpose of attempting to

“scare us” away from the border. It is very possible these cartels may form a nexus, or have already formed one, with members of Al Qaeda and other terrorist organizations. This information was sent to the Texas Border Security Operations Center for dissemination to other local, state, and federal agencies. This is not the first time that this information has been received.

It is known that many of the operatives of cartels in Mexico live in the United States. Information received by our respective agencies indicates these criminals are living in our communities. They come to our cities and towns when things get too hot in Mexico. They come here to escape the possibility of apprehension in Mexico. Information received is that they are here living along the border.

Local, state, and federal officers have found many items along the banks of the Rio Grande River and inland that indicate possible ties to terrorist organizations or members of military units of Mexico. Currency and clothing are common finds. A jacket with patches from countries where Al Qaeda is known to operate was found in Jim Hogg County. A duffle bag with “Armada de Mexico” embroidered on it was found in Zapata County on February 2nd of this year.

Many landowners constantly complain about their fences being cut by human and drug smugglers. The repairing of landowners’ fences becomes very expensive. Some of these landowners decide not to repair their fences since it is very costly for them. They complain to local officers about the trash left on their properties. Some of this trash is eaten by their livestock, causing their livestock to die. In other counties along the border, residents are now scared with the big influx of immigrants coming across their property. These immigrants are not the same as what we saw 2-3 years ago. Many of the immigrants have tattoos across their chest or back advertising what gang they belong to and demanding from the residents living along the border to use their phone or other necessities. They no longer ask for things but rather they demand. These landowners, who have lived on their farms for decades, choose to move away from their properties.

POSSIBLE INCURSIONS

Employees of our offices have also seen incursions into this country of persons seeming to be members of the military of Mexico. On March 3rd, 2005, several officers assigned to do surveillance by the Rio Grande River by the Zapata/Webb County line observed approximately 20-25 persons walking on a gravel road, coming from the area of the riverbanks, marching in a cadence. These individuals were dressed in battle dress uniforms (BDUs), carrying what officers believe to be automatic weapons, very clean cut, and in very good physical condition. They were carrying backpacks and large duffle bags and walking two abreast.

In the town site of Zapata, residents are always reporting individuals getting off boats. These individuals also wear BDUs, backpacks, and possess weapons. The residents describe them as soldiers.

On January 9th, 2006, a USDA Tick Inspector encountered 17 individuals in Zapata County that had just been crossed into the United States. Three of these individuals had in their possession assault type long arms. These three armed individuals were in all probability *coyotes* protecting their very apparent important clients. The Inspector noticed that these individuals were not from Mexico but from another country since they spoke Spanish with an accent that is not common in Central or South America. These individuals threatened to kill the Inspector. The Inspector had his issued gun and badge under his coat where it was not seen by these persons. He felt that this probably saved his life.

More and more we are seeing armed individuals entering our country through our counties. We feel that it is a matter of time before a shootout will occur. It the unfortunate event of a shootout, federal, state, and local officers along the southwest border are not adequately armed. Compared to the ruthless and brazen and open behavior of the cartels we face, we are most certainly outmanned. In the event of a shootout, many casualties will likely occur. Federal, state, and local officers all along the southwest border of the United States are outgunned and outmanned.

SUMMARY

The Texas Border Sheriff's Coalition and the Southwestern Border Sheriff's Coalition are very concerned with the very unique problems along our border. Border Patrol is doing the best they can with the resources that are available to them. Immediate help is needed for them and for southwestern border sheriffs for the protection of our country.

We are seeing more and more persons coming across our southwestern border than ever before. From what we are seeing, we feel that most of these persons are not coming into the country to look for legitimate employment. We feel that terrorists are already here and continue to enter our country on a daily basis. Our border is wide open; it is very porous and definitely unprotected and vulnerable.

Our federal partners are doing the very best that they can but are not being very successful. With so many immigrants coming across our borders they are overwhelmed with the work they are doing. Federal assistance for them and us is too slow in coming.

It has been almost five years since the worst terrorist attack in this country and we are still as vulnerable, if not worst, that before September 11, 2001. We have seen no funding for any projects along the Texas border. On the contrary, as time goes by we see less funding opportunities.

In five years we have seen broken promises of protecting our great nation. September 11, 2001, was a dark day in American history and the protection of a great nation. What has changed since that day along the border and in my backyard? Nothing. As I speak before you today funding aimed at border security didn't come from Washington, DC, it came from Austin, Texas.

The governor of this state is in the same position we in law enforcement have been in for years. We are fed up and tired of failed policies and promises. Texas is the can do state and Governor Perry has decided to fund a border security initiative that has literally shut down criminal enterprises in several Texas counties.

We did this with state funds and working with federal partners on an initiative that puts law enforcement in the driver's seat instead of the carters, smugglers, and border crossing criminal entrepreneurs. This should have been done on September 12, 2001, by our federal government. Washington, DC didn't just fail me and my law enforcement comrades....it has failed Americans. Just shy of five years from that day and the border remains open to smuggling operatives, criminal organizations and people aimed at destroying this nation.

In Texas you left us no choice; we have had to pick up the fight to save our counties. We didn't ask for this battle on the border.....but we refuse to lose to criminals!

POSSIBLE SOLUTION

We, the Texas Border Sheriff's Coalition, have implemented Operation Linebacker, a second line of defense in the protection of our country. The United States Border Patrol being the first line of defense. The problems along the border are federal problems. Our governor, the Honorable Rick Perry, could not wait for a peace officer to get killed along the border. He, just as we, is very much concerned. He has appropriated \$9.8 million as seed money for us to start Operation Rio Grande. Operation Rio Grande is an operation that partially funds Operation Linebacker and makes available all state resources for the protection of the border. Operation Linebacker and Operation Rio Grande have proven to be successful. Counties along the border are reporting reductions in Uniform Crime Reporting Part I crimes. Deterrence has been very successful in Zapata County and other counties. These are proven operations that should be funded by the federal government.

In the first six months of these operations we have seized over 36,667 pounds of marihuana, four pounds of methamphetamine, five pounds of heroin, and 120 pounds of cocaine. There have been 129 drug seizures resulting o 172 arrests. An additional 534 individuals have been arrested on state crimes.

Congressman John A. Culberson has introduced HR 4360, the Border Law Enforcement Act of 2005. This piece of legislation covers all of the problems that we, as sheriffs, are encountering along the border. Section 607 of HR 4437 is very similar to HR 4360. These are pieces of legislation that will provide an immediate relief for the problems that we are encountering. Some Sheriffs along the southwest border can deploy their deputies within 1-2 weeks and others a maximum of five months. It takes a minimum of one year to deploy one border patrol agent after recruiting, academy, and field training.

These pieces of legislation will provide immediate assistance in protecting our border. The authors of these pieces of legislation are concerned with the problems along the southwest border, just as every member of this committee is. The problems along the border will continue until our federal government intervenes and does something about it soon.

CONCLUSION

Committee Members, there cannot be homeland security without border security. Our southwest border needs immediate attention. Local officers, not federal officers, answer emergency calls for assistance made by our constituents. We are the first responders. Must we wait for another terrorist act or until an officer gets killed before we act?

I want to express my most sincere appreciation for allowing me the opportunity to appear before you and thank you for the work you do for our country, the United States of America.

Chairman Royce, this concludes my statement. I will be pleased to answer any questions that you or Members of the Sub-Committee may have.